



**The East Punjab Holding (Consolidation and Prevention of Fragmentation)
Act, 1948**

Act 50 of 1948

Keyword(s):

Consolidation Officer, Consolidation of Holdings, Common Purpose,
Fragment, Land, Owner, Settlement Officer, Standard Area, Sub-division

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THE EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION OF FRAGMENTATION) ACT, 1948

(EAST PUNJAB ACT NO. 50 OF 1948)

[Received the assent of His Excellency the Governor General of India on the 7th December, 1948, and first published in the East Punjab Government Gazette (Extraordinary) of December, 14, 1948].

1	2	3	4
Year	No.	Short title	Whether repealed or other wise affected by legislation
1948	50	The East Punjab Holdings (Consolidation and Prevention of Fragmentation,) Act, 1948	Amended by Punjab Act 33 of 1950 ^a Amended by the Adaptation of Laws Order, 1950 Amended by the Adaptation of Laws (Third Amendment) Order, 1951 Amended by Punjab Act 8 of 1952 ^a Amended by Punjab Act 20 of 1953 ^a Amended by Punjab Acts 22 ^a , 39 ^a and 40 ^a of 1954. Amended in part by Punjab Act of 1955 ^a

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1948, pages 601-602. For the Select Committee Report, see *East Punjab Government Gazette* (Extraordinary), 1948, Part V, pages 19-32; for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume II 1948, pages 45-58 and 300-309.

²For State of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1950, page 838; for Proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1950, Volume II, pages (9) 106-(9) 109.

³For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), dated 10th July, 1952, page 552; for Proceedings in the Assembly, see Punjab Legislative Assembly Debates 1952, Volume II, pages (24) 63-(24)82; and for Proceedings in Council, see Punjab Legislative Council Debates, 1952, Volume II, pages 16(4)-(16) 18.

⁴For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1953, pages 134-35; for Proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1953, pages 296-98.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, page 92.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, page 828.

⁷For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, pp. 926(c) and 926 (d).

⁸For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1955, page 128.

HOLDINGS (CONSOLIDATION [1948 : East Pb. Act 50. AND PREVENTION OF FRAGMENTATION)

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948 ..	50	The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.	Amended by Punjab Act No. 46 of 1956 ¹ Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act No 5 of 1957 ² Amended by Punjab Act No. 15 of 1959 ³ Amended by Punjab Act No. 20 of 1959 ⁴ Amended by Punjab Act No. 12 of 1963 ⁵ Amended by Punjab Act No. 27 of 1960 ⁶ Amended by Punjab Act No. 12 of 1962 ⁷ Amended by Punjab Act No. 25 of 1961 ⁸ Amended by Punjab Act No. 39 of 1963 ⁹ Amended by Punjab Act No. 99 of 1963 ¹⁰

An Act to provide for the compulsory consolidation of agricultural holdings and for preventing the fragmentation of agricultural holdings in ¹¹[the State of Punjab] ¹²[and for the assignment or reservation of land for common purposes of the village].

It is hereby enacted as follows :—

CHAPTER 1—PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

(2) It extends to the whole of the ¹³[State] of ¹⁴[Punjab].

¹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1956, page 1086.

²For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, page 339.

³For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1959, page 366.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, pages 1478-79.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1959 page 1940.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1960, page 248.

⁷For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1962 page 510.

⁸For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1962 page 1616.

⁹For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1963, page 1146.

¹⁰For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1969 page 422.

¹¹Substituted for the words "the Province of East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

¹²Added and deemed always to have been so added by Punjab Act No. 27 of 1960.

¹³Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

¹⁴Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950.

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(3) This section shall come into force at once and the remaining provisions of the Act shall come into force in such area and from such date as the ¹[State] Government may by notification appoint in this behalf, and different dates may be appointed for the coming into force of different provisions of the Act.

^{2/3}2. In this Act, unless there is anything repugnant in the subject or context,— Interpretation.

(a) "Consolidation Officer" means an officer appointed as such under section 14 by the ¹[State] Government and includes any person authorised by the ¹[State] Government to perform all or any of the function of the Consolidation officer under this Act;

(b) "Consolidation of Holdings" means the amalgamation and the redistribution of all or any of the lands in an estate or sub-division of an estate so as to reduce the number of plots in the holdings;

⁴[(bb) "common purpose" means any purpose in relation to any common need, convenience or benefit of the village]

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Section 4 of Punjab Act No. 39 of 1963, reads as follows :—

"Validation.—Notwithstanding anything contained in the principal Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, where, in any scheme made at any time before the commencement of this Act, land has been assigned or reserved for common purpose referred to in sub-clause (iii) or sub-clause (iv) of clause (bb) of section 2 of the principal Act, as amended by this Act, the assignment or reservation of such land for such purpose shall be, and shall be deemed always to have been, valid and no such scheme shall be questioned on the ground that such land could not be assigned or reserved for such purpose in such scheme."

³Section 2 of Punjab Act No. 9 of 1969, reads as follows :—

"Validation.—Notwithstanding anything contained in any judgement, decree or order of any court or other authority to the contrary, where, in any scheme made at any time before the commencement of this Validation Act, land has been assigned or reserved for a common purpose as defined in clause (bb) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, in accordance with the executive instructions issued by the Government from time to time, such scheme shall be, and shall be deemed always to have been, valid and no such scheme shall be questioned merely on the ground that the scale for such assignment or reservation had not been laid down by rules framed under the said Act."

⁴Inserted by Punjab act 22 of 1954. This clause shall be deemed always to have been so inserted.

¹[and include the following purposes:-

(i) extension of the village Abadi; ²[*].

(ii) providing income for the Panchayat of the village concerned for the benefit of the village community].

³[(iii) village roads and paths; village drains; village wells; ponds or tanks; village water-courses or water-channels; village bus stands and waiting places; manure pits; hada rori; public latrines; cremation and burial grounds; *panchayat Ghar*; *Janj Ghar*; grazing grounds; tanning places; mela grounds; public places of religious or charitable nature; and

(iv) schools and play grounds, dispensaries, hospitals and institutions of like nature, waterworks or tube-wells whether such schools, playgrounds, dispensaries, hospitals, institutions, waterworks or tube-wells may be managed and controlled by the State Government or not.]

(c) "fragment" means a plot of land of less extent than the appropriate standard area determined under this Act :

Provided that no plot of land shall be deemed to be a fragment by reason of any diminution in its area by diluvion ;

(d) "land" means which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land;

(e) "notified area" means any area notified as such under section 3;

¹Added and deemed always to have been so added by Punjab Act No. 27 of 1960.

²The word "and" omitted and shall be deemed always to have been omitted by Punjab Act No. 39 of 1963, section 2.

³Added and shall be deemed always to have been added by Punjab Act No. 39 of 1963, section 2.

- (f) "owner" means in the case of unalienated land the lawful occupant and when such land has been mortgaged, owner means the mortgagor; in the case of alienated land, owner means the superior holder;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Settlement Officer (Consolidation)" means an Officer appointed as such under section 20 by the ¹[State] Government and includes any person authorised by the ¹[State] Government to perform all or any of the functions of the settlement Officer (Consolidation) under this Act;
- (i) "standard area" in respect of any class of land means the area which the ¹[State] Government may from time to time determine under section 5 as the minimum area necessary for profitable cultivation in any particular notified area and includes a standard area revised under the said section:
- (j) "sub-division" means a part of an estate recorded as a sub-division, *pati*, *tarf* or *pana* in a record-of-rights prepared under section 31 of the Punjab Land Revenue Act, 1887, provided it forms a compact block; and
- (k) words and expressions used in this Act but not defined, have the meanings assigned to them in the Punjab Land Revenue Act, 1887.

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1887.

XVII of
1887.

CHAPTER II—DETERMINATION OF STANDARD AREAS AND TREATMENT OF FRAGMENTS;

3. The ¹[State] Government may, after such inquiry as it deems fit specify any estate or sub-division of an estate as a notified area for the purposes of this Chapter of this Act. Determination of notified area.

4. (1) The ¹[State] Government may, after such inquiry as it deems fit, provisionally settle for any class of land in any notified area the minimum area that can be cultivated profitably as a separate plot. Settlement standard. of

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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(2) The ¹[State] Government shall by notification and in such other manner as may be prescribed publish the minimum areas provisionally settled by it under sub-section (1) and invite objections thereto.

**Determination and
revision
of
standard areas.**

5. (1) The ¹[State] Government shall after considering the objections, if any, received within three months of the date of publication of the notification under sub-section (2) of section 4 in the estate concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such notified area.

(2) The ¹[State] Government may, at any time, if it deems it expedient so to do, revise a standard area determined under sub-section (1). Such revision shall be made in the manner laid down in section 4 and sub-section (1) of section 5.

(3) The ¹[State] Government shall, by notification and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).

**Entry in the record
of rights.**

6. (1) On notification of a standard area under sub-section (3) of section 5 for a local area all fragments in the local area shall be entered as such in the record of rights.

(2) Notice of every entry made under sub-section (1) shall be given in the prescribed manner.

**Transfer and lease
of fragments.**

7. (1) No person shall transfer any fragment in respect of which notice has been given under sub-section (2) of section 6 unless thereby the fragment becomes merged in a contiguous survey number or recognised sub-division of a survey number.

(2) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

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¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

8. No land in any notified area shall be transferred or partitioned so as to create a fragment. ^{Fragmentation prohibited}

9. The transfer or partition of any land to the provisions of this Act, shall be void. ^{contrary Penalty for transfer or partition contrary to provisions of Act.}

10. Any owner of a fragment who intends to sell it shall make an application in this behalf to the Collector for determination of its market price and the Collector shall, after hearing the applicant and the owners of the contiguous survey number or recognised sub-divisions of survey numbers determine the market price, and such determination shall be final and conclusive for the purposes of this chapter. ^{Valuation of fragment.}

11. The owner referred to in the preceding section shall in the first instance offer the fragment for sale to the owners of contiguous survey numbers or recognised sub-divisions of survey numbers, and in case of their refusal to purchase for the price as determined under the last preceding section, may transfer it to the ¹[Government] for the purpose of the ²[State] on payment by the ¹[Government] of such price as aforesaid to persons possessing interest therein as the Collector may determine and, thereupon the fragment shall vest absolutely in the ¹[Government] for the purpose of the ¹[State] free from all encumbrances. ^{Transfer of fragment.}

12. When a decree is transferred to the Collector under section 54 of the Code of Civil Procedure, 1908, for the partition of an undivided estate assessed to the payment of revenue to the ¹(Government) in any notified area for which standard areas have been fixed, or for the separate possession of a share of such an estate, no such partition or separation shall be made so as to create a fragment. ^{Partition of estate assessed to payment of revenue to Government or separation of share thereof.}

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1908.

¹Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

²Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

State Government
or local authority
not to acquire
land so as to
leave fragment.

13. (1) Notwithstanding anything contained in any law for the time being in force no land shall be acquired by the ¹[State] Government or any local authority or sold at any sale held under the orders of any court so as to leave a fragment.

(2) If any land acquired by the ¹[State] Government or any local authority is in excess of its requirements, it shall be offered for sale in the first instance to the owners of contiguous survey numbers or recognised sub-divisions of survey numbers at the price at which it was acquired under sub-section (1)

CHAPTER III-CONSOLIDATION OF HOLDINGS

Government may
of its own accord
or on application
declare its inten-
tion to make
scheme for con-
solidation of
holdings.

14. (1) With the object of consolidating holdings in any estate or group of estates or any part thereof for the purpose of better cultivation of lands therein the ¹[State] Government may of its own motion or on application made in this behalf declare by notification and by publication in the prescribed manner in the estate or estates concerned its intention to make a scheme for the consolidation of holdings in such estate or estates or part thereof as may be specified.

(2) On such publication in the estate concerned the ¹[State] Government may appoint a Consolidation Officer who shall after obtaining in the prescribed manner the advice of landowners of the estate or estates concerned ²[and of the non-proprietors and the Gram Panchayat, if any, constituted in such estate or estates under the Gram Panchayat Act, No. IV of 1953], prepare a scheme for the consolidation of holdings in such estate or estates or part thereof as the case may be.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Inserted by East Punjab Holdings (Consolidation and Prevention of Fragmentation), (Amendment and Validation) Act, 1955 (Punjab Act, 7 of 1955).

Section 3 of Punjab Act 7 of 1955, reads thus :—

"Validation of certain proceedings :—No scheme of Consolidation under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, shall be deemed to be invalid merely on the ground that the advice of non-proprietors and Gram Panchayats was not so obtained during any Consolidation proceedings before the commencement of this Act."

¹[(3) Where a notification under sub-section (1) has been made in respect of a group of estates and the holding is situated in more than one estate in the group, then notwithstanding anything contained in the Punjab Land Revenue Act, 1887, the scheme prepared by the Consolidation Officer may provide for the alteration of boundaries of such estates.]

15. (1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding for the recovery of compensation from any owner who is allotted a holding of greater market value than that of his original holding. Scheme to provide compensation.

(2) * * * 2 * * *

16. (1) The scheme prepared by the Consolidation Officer may provide for the distribution of land held under occupancy tenure between the tenants holding a right of occupancy and his landlord in such proportion as may be agreed upon between the parties. Occupancy Tenancies

(2) When the scheme is³[confirmed]under section 20 the land so allotted to the occupancy tenant and the landlord shall, notwithstanding anything to the contrary contained in the Punjab Tenancy Act, 1887 or in any other law for the time being in force, be held by each of them respectively in full right of ownership, and the right of occupancy in the land allotted to the landlord shall be deemed to be extinguished.

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⁴[16-A (1) Notwithstanding anything contained in Chapter IX of the Punjab Land Revenue Act, 1887, except section 117 thereof the scheme prepared by the Consolidation Officer may provide for the partition of land between joint owners of land, or between joint tenants of a tenancy in which a right of occupancy subsists, in accordance with the share of each owner or tenant in the land or tenancy as the case may be, if—

Power to make provision in the scheme to partition joint lands and joint occupancy tenancies.

(a) such share is recorded under Chapter IV of that Act as belonging to him, or

¹New sub-section (3) added by Punjab Act No. 15 of 1959.

²Sub-section (2) of section 15, omitted by Punjab Act No. 23 of 1960, section 2.

³Substituted for the words "finally sanctioned" by Punjab Act No. 23 of 1962, section 2.

⁴New section 16-A, inserted by Punjab Act No. 20 of 1959.

- (b) the right of owner or tenant to such share has been established by a decree which is still subsisting at the time of preparing the scheme, or
- (c) a written acknowledgement of such right has been executed by all persons interested in the admission or denial thereof.

(2) When the scheme is ¹[*] confirmed under section 20, the land so partitioned shall, notwithstanding anything to the contrary contained in any law for the time being in force, be held by each such owner or tenant in full right of ownership or tenancy, as the case may be, and the rights of other joint-owners or joint tenants, in the land shall be deemed to be extinguished.

Amalgamation of
public roads etc.,
within scheme for
consolidation of
holdings

17. (1) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane path, channel, drain, tank, pasture or other land reserved for common purposes with any holding in the scheme he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes, shall be extinguished or, as the case may be, transferred to a new road, street, lane, path, channel drain, tank, pasture or other land reserved for common purposes laid out in the scheme of consolidation.

(2) The declaration in sub-section (1) shall be published in the estate concerned in the prescribed manner along with the draft scheme referred to in section 19.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane, path, channel, drain, tank, pasture or other land reserved for common purposes or having any other interest or right which is likely to be adversely affected by the proposal may within thirty days after the publication of the declaration under sub-section (1), state to the Consolidation Officer in writing

¹The word "finally" omitted by Punjab Act No. 25 of 1962, section 3.

(3) If any objections are received to the draft scheme published under sub-section (1) of section 19 ¹[* * *] or if any written or oral objections are received by the Settlement Officer (Consolidation), before the confirmation of ²[the draft scheme] by him, the Settlement Officer (Consolidation) may after taking the objections into consideration together with the remarks thereon of the Consolidation Officer and also after considering the written or oral objections, either confirm the scheme with or without modifications, or refuse to confirm it. In case of such refusal, the Settlement Officer (Consolidation), shall return the draft scheme, with such direction as may be necessary, to the Consolidation Officer, for reconsideration and resubmission].

(4) Upon the confirmation of the scheme under sub-section (2) or (3), the scheme as confirmed shall be published in the prescribed manner in the estate or estates concerned.

21. (1) The Consolidation Officer shall after obtaining the advice of the landowners of the estate or estates concerned, carry out repartition in accordance with the scheme of consolidation of holdings confirmed under section 20, and the boundaries of the holdings as demarcated shall be shown on the *shajra* which shall be published in the prescribed manner in the estate or estates concerned. Repartition.

(2) Any person aggrieved by the repartition may file a written objection within fifteen days of the publication before the Consolidation Officer who shall after hearing the objector pass such orders as he considers proper confirming or modifying the repartition.

(3) Any person aggrieved by the order of the Consolidation Officer under sub-section (2) may within one month of that order file an appeal before the Settlement Officer (Consolidation) who shall after hearing the appellant pass such order as he considers proper.

¹The words "or to the amended draft scheme published under sub-section (2) of that section", omitted by Punjab Act No. 25 of 1962, section 5(b).

²Substituted for the words "any such scheme" by Punjab Act No. 25 of 1962, section 5(b).

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¹[(4) Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (3), whether made before or after the commencement of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Second Amendment and Validation Act, 1962, may, within sixty days of that order, appeal to the Assistant Director of Consolidation.

(5) Any appeal against an order of the Settlement Officer (Consolidation), pending under sub-section (4), immediately before the commencement of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Second Amendment and Validation Act, 1962, either before the State Government or any officer to whom the powers of the State Government in this behalf have been delegated, shall be decided by the Assistant Director of Consolidation.

(6) The appellate authority may entertain an appeal under sub-section (3) or sub-section (4) after the expiry of the period of limitation prescribed therein if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(7) The State Government may by notification appoint any person to be an Assistant Director of Consolidation to exercise the powers under this section in respect of such area as may be specified in such notification.]

Preparation of
record of rights.

22. (1) The Consolidation Officer shall cause to be prepared a new record-of-rights in accordance with the provisions contained in Chapter IV of the Punjab Land Revenue Act, 1887, in so far as these provisions may be applicable for the area under consolidation, giving effect to the repartition ²[and orders in respect thereof made] under the preceding section.

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1887.

¹Substituted for sub-section (4) by Punjab Act No. 25 of 1962, section 6.

²Substituted for the words "as finally sanctioned" by Punjab Act No. 25 of 1962, section 7.

xvii of 1887. (2) Such record-of-right shall be deemed to have been prepared under section 32 of the Punjab Land Revenue Act, 1887.

23. (1) If all the owners and tenants affected by ^{Right to possession of new holdings.} ¹[the repartition, as carried out under sub-section (1) of section 21], agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession forthwith or from such date as may be specified by him.

²[(2) If all the owners and tenants as aforesaid do not agree to enter into possession under sub-section (1), they shall be entitled to possession of the holdings and tenancies allotted to them from such date as may be determined by the Consolidation Officer, and published in the prescribed manner in the estate or estates concerned and the Consolidation Officer shall, if necessary, put them in physical possession of the holding to which they are so entitled, including standing crops if any, and for doing so may exercise the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887.]

(3) If there are standing crops on any holding of which possession has been given under sub-section (2), the Consolidation Officer shall determine ³[in the manner provided under the Act] the compensation payable in respect of such crops by the person put in possession, who shall, within six months of the date of possession, pay such compensation to the person or persons from whom possession was transferred and in case of default such compensation shall be recoverable from him as an arrear of land revenue.

(4) If any person from whom compensation is recoverable under the scheme fails within 15 days of the ⁴[date], referred to in sub-section (2) to deposit such

¹Substituted for the words "the scheme of consolidation or, as the case may be, repartition, as finally confirmed" by Punjab Act No. 25 of 1962, section 8.

²Substituted for sub-section (2) by Punjab Act No. 25 of 1962, section 8.

³Substituted for the words, "in the prescribed manner" by Punjab Act 23 of 1950, section 3.

⁴Substituted for the words "commencement of the agricultural year" by Punjab Act No. 25 of 1962, section 8.

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compensation in the prescribed manner, it shall be recoverable from him as an arrear of land revenue, and in such case the amount realised after deducting the expenses shall be paid to any person having the interest in the holding.

Management and control of lands for common purposes to vest in Panchayats and State Government.

¹[23-A. As soon as a scheme comes into force, the management and control of all lands assigned or reserved for common purposes of the village under section 18—

- (a) in the case of common purposes specified in sub-clause (iv) of clause (bb) of section 2 in respect of which the management and control are to be exercised by the State Government shall vest in the State Government; and
- (b) in the case of any other common purpose, shall vest in the panchayat of that village;

and the State Government or the panchayat, as the case may be, shall be entitled to appropriate the income accruing therefrom for the benefit of the village community, and the right and interests of the owners of such lands shall stand modified and extinguished accordingly:

Provided that in the case of land assigned or reserved for the extension of village abadi or manure pits for the proprietors and non-proprietors of the village, such land shall vest in the proprietors and non-proprietors to whom it is given under the scheme of consolidation.]

Coming into force of scheme

24. ²(1) As soon as the person entitled to possession of holdings under this Act have entered into possession of the holdings, respectively allotted to them the scheme shall be deemed to have come into force and the possession

¹Substituted for section 23A as from the 26th day of January, 1950 and shall be deemed always to have been substituted by Punjab Act No. 39 of 1963, section 3.

²Substituted by Punjab Act No. 46 of 1956, and shall be deemed to have been so substituted from December 27, 1954.

of the allottees affected by the scheme of consolidation, or, as the case may be, by repartition, shall remain undisturbed until a fresh scheme is brought into force or a change is ordered in pursuance of provisions of sub-sections (2) (3) and (4) of section 21 or an order passed under section 36 or 42 of this Act.].

¹[(2) A Consolidation Officer shall be competent to exercise all or any of the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887 (Act XVII of 1887), for purposes of compliance with the provisions of sub-section (1).]

25. A land-owner or a tenant shall subject to the provisions of ²[sections 16 and 16-A] have the same right in the land allotted to him in pursuance of the scheme of consolidation as he had in his original holding or tenancy, as the case may be. Rights of land owners and tenants after consolidation same as before

³[25-A. (1) If in pursuance of a scheme for consolidation of holdings any land which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950(XXXI of 1950), is or has been exchanged for any other land which is not evacuee property, then such other land shall, as from the date of the coming into force of the scheme, be deemed to be evacuee property declared as such within the meaning of the said Act and the original evacuee land shall, as from such date, be deemed to have ceased to be evacuee property. Effect of consolidation of holdings on Evacuee Property.

(2) If a displaced person to whom any land has been leased or allotted by the Custodian under the conditions published by the notification of the Government of Punjab in the Department of Rehabilitation No. 4891-S or 4892-S, dated the 8th July, 1949, has been allotted some other land in lieu thereof in pursuance of any scheme, for consolidation of holdings, then such other land shall be deemed to have been leased or allotted, as the

¹New sub-section (2) added by *ibid*

²Substituted for the word and figure "Section 16" by Punjab Act No. 20 of 1959, section 3.

³New section 25-A, inserted by Punjab Act 40 of 1954.

case may be, to such displaced person under the afore-said conditions within the meaning of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).

(3) In this section, the expressions 'Custodian' and 'displaced persons' have the meaning, respectively assigned to them in the Administration of Evacuee Property Act, 1950 (XXXI of 1950) and the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).

Encumbrances of
land-owners and
tenants.

26.(1) If the holding of a land-owner or the tenancy of a tenant brought under the scheme of consolidation is burdened with any lease, mortgage, or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and attached to the holding or tenancy allotted under the scheme or to such part of it as the Consolidation Officer subject to any rules that may be made under section 46, may have determined in preparing the scheme; and thereupon the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance has been transferred.

(2) If the holding or tenancy to which a lease, mortgage, or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred the lessee, mortgagee or other encumbrancer, as the case may be, shall subject to the provisions of section 34 be entitled to the payment of such compensation by the owner of the holding, or as the case may be, the tenant as the Consolidation Officer may determine..

(3) Notwithstanding anything contained in section 23, the Consolidation Officer shall if necessary put any lessee or any mortgagee or other encumbrancer entitled to possession, in possession of the holding or tenancy or part of the holding or tenancy to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

XVII of 1887. XVI of 1887. 27. Notwithstanding anything contained in the Punjab Land Revenue Act, 1887, and the Punjab Tenancy Act, 1887, the rights and liabilities of land-owners in their holdings and of tenants in their tenancies shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and neither the landlord nor tenant nor any other person shall be entitled to object to or interfere with any transfer made for the said purpose.

Transfer of rights of land-owners in holdings and of tenants in tenancies,

¹[27-A. Notwithstanding anything contained in Code of Civil Procedure, 1908, or any other law for the time being in force, no decree for possession of land against a judgement-debtor, whose land has been included in a scheme for consolidation of holdings shall be executed except after repartition ²[and orders in respect thereof under section 21 and against land allotted to him in pursuance of such repartition and orders].

Decrees for possession of land to be executed against land allotted on repartition.

28. (1) The cost of consolidation proceedings shall be assessed in the prescribed manner.

Cost of consolidation proceedings.

(2) The cost of consolidation proceedings shall be recovered from the persons whose holdings are affected by the scheme of consolidation.

29. Compensation under section 15 or costs under section 28 or any other sums due payable under this Act shall be recoverable as an arrear of land revenue.

Compensation or costs or other sums payable under this Act.

30. After a notification under sub-section (1) of section 14 has issued and during the pendency of the consolidation proceedings no land-owner or tenant having a right of occupancy upon whom the scheme will be binding shall have power without the sanction of the Consolidation Officer to transfer or otherwise deal with any portion of his original holding or other tenancy so as to affect the rights of any other land-owner or tenant having a right of occupancy therein under the scheme of consolidation.

Transfer of property during consolidation proceedings.

¹New section 27A inserted by Punjab Act No. 20 of 1959, section 4.

²Substituted for the words "as finally confirmed under section 21 and against land allotted to him in pursuance of such repartition" by Punjab Act No. 25 of 1962 section 9.

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FRAGMENTATION)

Prohibition of
cutting trees
and erecting
buildings, etc.
during consoli-
dation Proceed-
ings.

¹[30-A. (1) After a notification under sub-section (1) of section 14 has issued and during the pendency of consolidation proceedings no land-owner upon whom the scheme will be binding shall have power without the sanction of the Consolidation Officer to cut trees from, and erect buildings or other structures upon, any portion of his original holding included in the scheme.

(2) If any person contravenes the provisions of sub-section (1) he shall, on conviction, be punishable with fine which may extend to five hundred rupees.

(3) An offence under this section shall be cognizable and bailable.

(4) If any building or other structure is erected in contravention of the provisions of sub-section (1) and the land-owner fails to remove it within one month of the date of publication of the *Shajra* under sub-section (1) of section 21, it shall, without payment of any compensation, vest in the new land-owner who enters into possession, of that holding as a result of repartition.]

Transfer not affect-
ed by Punjab
Alienation of
Land Act, 1900.

31. Notwithstanding anything contained in section Punjab Act XIII of 1900 3 of the ²Punjab Alienation of Land Act, 1900 no exchange of land by a member of an agricultural tribe in pursuance of a scheme of consolidation of holdings shall require the sanction of the Deputy Commissioner under the Act.

Suspension of
partition proceed-
ings during
currency of con-
solidation pro-
ceedings.

³[32. After a notification under sub-section (1) of section 14 has issued, no proceedings under Chapter IX of the Punjab Land Revenue Act, 1887, in respect of any estate or a sub-division of an estate affected by the scheme of consolidation shall, subject to the provisions of section 16-A, be commenced, and where such proceedings were commenced before the issue of the notification they shall remain in abeyance, during the pendency of the consolidation proceedings.]. XVII of 1887.

¹New section 30A inserted by Punjab Act No. 12 of 1960, section 2.

²Repealed by Adaptation of Laws (Third Amendment) Order, 1951.

³Substituted for section 32 by Punjab Act No. 20 of 1959, section 5.

33. Notwithstanding anything contained in any law for the time being in force—

No instrument necessary to effect transfer.

(a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings; and

(b) no instrument, if executed shall require registration.

¹[34. (1) The amount of compensation payable under this Act shall be assessed, so far as practicable, in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894.]

Act I of 1894.

Apportionment of compensation or net value in case of dispute.

²(2) Where there is dispute in respect of the apportionment of—

(a) the amount of compensation determined under sub-section (2) of section 15, or sub-section (4) of section 17;

(b) the net value realised under sub-section (4) of section 23;

(c) the total amount of compensation determined under sub-section (2) of section 26, the Consolidation Officer shall refer the dispute to the decision of the Civil Court and deposit the amount of compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may be, apply.

I of 1894.

35. In any estate or group of estates or any part thereof where consolidation of holdings has been effected under this Chapter, the ³[State] Government shall, as soon as may be, take all necessary steps to apply the provisions of Chapter II.

Application of Chapter II to consolidated holdings.

¹Inserted by Punjab Act 23 of 1950, section 4.

²Existing provision of section 34 renumbered as sub-section (2) by Punjab Act 23 of 1950, section 4.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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FRAGMENTATION)

Power to vary
or revoke scheme.

¹[36. A scheme for the consolidation of holdings confirmed under this Act may, at any time, be varied or revoked by the authority which confirms it subject to any order of the State Government that may be made in relation thereto and a subsequent scheme may be prepared, published and confirmed in accordance with the provisions of this Act.]

CHAPTER IV—OTHER POWERS OF CONSOLIDATION
OFFICERS

Powers of officers
to enter upon
land for purposes
of survey and
demarcation.

37. The Consolidation Officer and any person acting under his orders may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

Penalty for
destruction,
injury or removal
of survey marks

38. (1) If any person wilfully destroys or injures or without lawful authority removes a survey mark, lawfully erected, he may be ordered by a Consolidation Officer to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code. ^{XLV of 1860}

Report of destruction or removal
or injury to
survey marks.

39. Every village officer of an estate shall be legally bound to furnish a Consolidation Officer with information respecting the destruction or removal of, or any injury done to, any survey mark lawfully erected in the estate.

¹Substituted by Punjab Act 20 of 1953, section 3.

40. (1) A Consolidation Officer or a Settlement Officer, (Consolidation) may summon any person whose attendance he considers necessary for the purpose of any business before him as a Consolidation Officer or Settlement Officer (Consolidation). Power of Consolidation Officer or Settlement Officer (Consolidation) to summon persons.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements and to produce such documents and other things relating to any such matter as the Consolidation Officer or the Settlement Officer (Consolidation) may require.

¹[(4) If a person summoned under sub-section (1) fail without good cause, to attend or to produce any document or other thing which he may be required to produce, he shall be liable, at the discretion of the Consolidation Officer or the Settlement Officer (Consolidation) as the case may be, to a fine which may extend to fifty rupees:

Provided that no such fine shall be imposed on a person unless he was summoned to attend or required to produce any document or other thing within the limits of the estate in which he ordinarily resides, holds or cultivates land].

CHAPTER V—GENERAL

41. (1) The ²[State] Government may for the administration of this Act appoint such persons as it thinks fit, and may by notification delegate any of its powers or functions under this Act to any of its officers either by name or designation. Appointment of officers and staff and delegation of powers.

(2) A Consolidation Officer or a Settlement Officer (Consolidation) may, with the sanction of the ²[State] Government, delegate any of its powers or functions under this Act to any person in the service of the ²[State] Government.

¹Added by Punjab Act No. 8 of 1952, section 2.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Power of State
Government to
call for proceed-
ings.

^{1/2}[42. The ³[State] Government may at any time for the purpose of satisfying itself as to the legality or propriety of ⁴[any order passed, scheme prepared or confirmed or repartition made by any officer under this Act], call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit :

Provided that ⁵[no order, scheme or repartition shall be varied] or reversed without giving the parties interested notice to appear and opportunity to be heard ⁶[except in cases where the State Government is satisfied that the proceedings have been vitiated by unlawful consideration].

⁷Section 6 of Punjab Act No. 27 of 1960, reads as follows :—

Validation.—Notwithstanding anything to the contrary contained in any judgment decree or order of any court,—

- (a) where in any scheme, made before the commencement of this Act, land has been reserved for the panchayat of the village concerned for utilising the income thereof, or
- (b) where before such commencement the State Government or any authority to whom it has delegated its powers has passed an order under section 42 of the principal Act revising or rescinding a scheme prepared or confirmed or repartition made by any officer under that Act.

such reservation of land or such order, as the case may be, shall be deemed to be valid, and any such scheme or order shall not be questioned on the ground that such reservation of land could not be made or, as the case may be, that under section 42 of the principal Act, the State Government or such authority had no power to pass such order.

⁸Section 11 of Punjab Act No. 25 of 1962 reads as follows :—

Validation.—Notwithstanding anything contained in the principal Act, or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, where at any time before the commencement of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Second Amendment and Validation Act, 1962 :—

- (a) the State Government or an officer, to whom powers of the State Government under section 42 have been delegated, has passed an order against order of the Assistant Director of Consolidation passed by him under sub-section (4) of section 21 of the principal Act, as a delegate of the State Government, the order under section 42 shall be, and shall be deemed always to have been, valid and shall not be questioned on the ground that it could not be made under that section against the order of the delegate of the State Government ;
- (b) any scheme has been confirmed under section 20 of the principal Act without being published under sub-section (2) of section 19 of that Act, such scheme shall, and shall be deemed always to have been, valid and shall not be questioned on the ground that it was not so published.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴Substituted for the words "any order passed by any officer under this Act" by Punjab Act No. 27 of 1960, and shall be deemed always to have been so substituted.

⁵Substituted for the words "no order shall be varied" by Punjab Act No. 27 of 1960, and shall be deemed always to have been so substituted.

⁶Inserted by Punjab Act 20 of 1953, section 4.

43. Except as provided in this Act no appeal or revision shall lie from any order passed under this Act. Appeal and
Revision.

43-A. Clerical or arithmetical mistakes in a scheme made, or an order passed by any officer, under this Act arising from any accidental slip or omission may at any time be corrected by the authority concerned either of its own notion or on the application of any of the parties.] Correction of
clerical errors.

44. No civil court shall entertain any suit instituted or application made, to obtain a decision or order in respect of any matter which the ²[State] Government or any officer is, by this Act, empowered to determine, decide, or dispose of. Jurisdiction of Civil
Court barred as
regards matters
arising under
this Act.

45. No suit or other legal proceedings shall be maintained in respect of the exercise of any powers or discretion conferred by this Act, or against any public servant or person duly appointed or authorised under this Act] in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder. Public servants in-
demnified for acts
done under this
Act.

46. (1) The ²[State] Government may by notification make ³rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the ²[State] Government may make ³rules providing for-

- (a) the manner of publication under sub-section (2) of section 4, sub-section (1) of section 14, ⁴[* * *]section 19, sub-section (4) of section 20 and sub-section (1) of section 21 ;
- (b) the manner of giving public notice under sub-section (3) of section 5 ;
- (c) the manner of giving notice under sub-section (2) of section 6 ;

¹New section 43A inserted by Punjab Act No. 20 of 1959, section 6.

²Substituted by Adaptation of Laws Order, 1950, for "Provincial"

³For rules, see East Punjab Government notification No. 10954-D-49/7351, dated 8th December, 1949, East Punjab Government Gazette, 1949, Part I, pp. 1070-71.

as subsequently amended.

⁴The words sub-sections (1) and (2) or omitted by Punjab Act No. 25 of 1962, section 10.

- (d) the procedure to be followed in the preparation of the scheme under section 14;
- (e) the manner in which the area is to be reserved under section 18 and the manner in which it is to be dealt with and also the manner in which the village abadi is to be given to proprietors and non-proprietors (including scheduled castes, Sikh backward classes, artisans and labourers) on payment of compensation or otherwise;
- (f) the manner in which compensation recoverable from any person under sub-section (3) of section 23 shall be deposited by him;
- ¹[(ff) the fees to be paid in respect of appeals and applications made under this Act, the documents which shall accompany such appeals and application and the period within which applications shall be filed];
- (g) the guidance of the Consolidation officer in respect of the transfer of a lease, mortgage or other encumbrance under section 26;
- (h) the manner in which the area assessment (including water rate, if any) of each reconstituted holding and tenancy shall be determined;
- (i) the appointment of guardians ad litem for minors
- (j) generally for the guidance of the Consolidation Officer and other Officers and persons in all proceedings under this Act; and
- (k) any other matter which is to be or may be prescribed.
- (3) All rules made under this section shall be subject to the condition of previous publication.

Repeal.

47. The enactments mentioned in the schedule are hereby repealed.

¹New clause (ff), inserted by Punjab Act No. 20 of 1959, section 7.

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THE SCHEDULE

(See Section 47)

Enactments Repealed

<i>Year</i>	<i>No.</i>	<i>Short title</i>
1936 ..	IV	The Punjab Consolidation of Holdings Act, 1936.
1940 ..	IX	The Punjab Consolidation of Holdings (Amendment) Act, 1940.
1945 ..	II	The Punjab Consolidation of Holdings (Amendment) Act, 1945.